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August 6, 2021

**MEMO ENDORSED**

**VIA ECF**

The Honorable Katherine Polk Failla  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

Re: *Iowa Pub. Emps.' Ret. Sys. et al. v. Bank of Am. Corp. et al.*, No. 17-cv-6221 (KPF)

Dear Judge Failla:

Plaintiffs respectfully request leave to file their letter motion to compel depositions and the related exhibit under seal, pursuant to paragraph 9(c)(ii) of this Court's Individual Rules of Practice.

On August 5, 2021, Plaintiffs filed a letter motion to compel the depositions of certain individuals whose declarations were included with Defendants' class certification opposition papers. (Dkt. 444) Today, counsel for Defendants contacted counsel for Plaintiffs requesting that Plaintiffs file their letter motion under seal and redact the names of the declarants in order to protect the privacy interest of those individuals, a request to which Plaintiffs consent. *See Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 120 (2d Cir. 2006) (recognizing that the Court must "balance competing considerations against [the presumption of access]," including but not limited to "the privacy interests of those resisting disclosure") (quoting *United States v. Amodeo*, 71 F.3d 1044, 1050 (2d Cir. 1995)).

Pursuant to Section 21.7 of the Court's Electronic Case Filing Rules & Instructions, Plaintiffs contacted the ECF HelpDesk to request that the filing be temporarily sealed and made inaccessible to PACER users. The parties now request that the Court formally seal Plaintiffs' letter motion to compel.

Respectfully submitted,

/s/ Michael B. Eisenkraft

Michael B. Eisenkraft  
COHEN MILSTEIN SELLERS & TOLL  
PLLC

/s/ Daniel L. Brockett

Daniel L. Brockett  
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Application GRANTED. The portions of Plaintiffs' submission regarding their motion to compel specified for redaction may be filed under seal, viewable only to the parties and the Court.

The Clerk of Court is directed to terminate the motion pending at docket entry 445.

Date: August 9, 2021  
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE